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FPM LET. 630-2(1)

UNITED STATES CIVIL SERVICE COMMISSION
FEDERAL PERSONNEL MANUAL SYSTEM

LETTER

Washington 25, D. C.
January 17, 1961

FPM LETTER NO. 630-2

SUBJECT: LEAVE OF ABSENCE - HOME LEAVE FOR OVERSEAS EMPLOYEES.

Heads of Departments and Independent Establishments:

The President has recently delegated to the Commission the authority to issue regulations to implement the home leave provisions of Title IV of the Overseas Differentials and Allowances Act (Public Law 86-707), approved September 6, 1960. Title IV amended paragraph 203(f) of the 1951 Leave Act to extend home leave benefits to additional groups of employees serving abroad.

This advance distribution of the Commission's regulations is being made prior to issuance in the Federal Personnel Manual to aid agencies in developing the necessary internal instructional material in this leave area. These regulations (attached) supersede the regulations in Subpart F, Part 30, FPM, and provide:

- A maximum of 15 days' home leave each year may be earned by employees recruited for worldwide service overseas. All other employees serving abroad will earn 15, 10, or 5 days' home leave each year depending on the amount of foreign or territorial differential payable at the post of assignment, but the earning of such leave is not dependent upon a particular individual's entitlement to payment of a differential. No employee will earn less than 5 days' home leave each year.
- The grant of home leave is permissive with the agency. However, home leave may not be granted under the law or regulations to any employee until he has completed 24


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months of service abroad. For employees who become entitled to home leave for the first time under the provisions of this Act, the 24-month period begins with the effective date of the Act.

- Home leave must be granted during a period of service abroad, or within a reasonable period after return from overseas on assignment, and then only if it is contemplated that the employee will return overseas.
- The law requires that home leave shall not be the basis for terminal leave or a lump sum leave payment. To carry out the intent of these statutory restrictions, the regulations require refunds of home leave, with a few exceptions, whenever an employee has been granted home leave and then does not return to an overseas assignment.
- Those employees in foreign-affairs agencies previously entitled to earn home leave under the laws granting such benefits have those leave benefits protected by a saving provision in the new regulations.
- The effective date of the regulations is the same as that for the law, that is, the first day of the first pay period after September 6, 1960.



Warren B. Irons
Executive Director

Attachment

SUBPART F - HOME LEAVE

Regulations

Sec. 30.601. Definitions. As used in this subpart, the term:

(a) "Home leave" means leave authorized by paragraph 203(f) of the Act and earned by service abroad for use in the United States, in the Commonwealth of Puerto Rico, or in the possessions of the United States.

(b) "Month" means a period which runs from a given day in one month through the day preceding the numerically corresponding day in the next month.

(c) "Service abroad" means service on and after September 6, 1960, as an employee of any agency of the Federal Government at a post of duty outside the United States and outside the employee's place of residence if his residence is the Commonwealth of Puerto Rico or any one of the possessions of the United States.

Sec. 30.602. Coverage. An employee who meets the requirements of section 203(d) of the Act for the accumulation of a maximum of 45 days of annual leave shall earn and may be granted home leave in accordance with paragraph 203(f) of the Act and the regulations in this subpart.

Sec. 30.603. Computation of creditable service. Creditable service begins with the date of the employee's arrival at a post of duty outside the United States, or on the date of his entrance on duty if recruited abroad, and ends on the date of the employee's departure from the post for separation or for assignment in the United States, or upon his separation from duty in case of separation abroad. Full credit shall be given for the day of arrival and the day of departure. Creditable service includes: (1) Absence in a nonpay status up to a maximum of two workweeks; (2) authorized leave with pay; (3) time spent in the Armed Forces of the United States which interrupts otherwise creditable service; and (4) any period of detail.

Sec. 30.604. Earning rates. (a) For each 12 months of service abroad, home leave shall accrue as follows provided the conditions of eligibility in this subpart are met:

(1) An employee who accepts as a condition of initial or continued employment with his agency an obligation to accept assignments anywhere in the world as the needs of the agency dictate shall earn 15 days' home leave.

(2) An employee who is serving with a U. S. Mission to a Public International Organization shall earn 15 days' home leave.

(3) An employee who is serving at a post for which payment of a foreign or territorial (but not a tropical) differential of 20 percent or more is authorized by law or regulation shall earn 15 days' home leave.

(4) An employee, not included in paragraph (1), (2), or (3), who is serving at a post for which payment of a foreign or territorial (but not a tropical) differential of at least 10 percent but less than 20 percent is authorized by law or regulation shall earn 10 days' home leave.

(5) An employee, not included in paragraph (1), (2), (3), or (4), shall earn five days' home leave.

(b) Home leave shall be credited to an employee's leave account, as earned, in multiples of one day.

Sec. 30.605. Computation of home leave. (a) An employee shall earn home leave for each month of creditable service under the rates fixed by paragraph (a) of section 30.604 in the amounts set forth in the following table:

<u>Months of Service</u>	<u>Accrual Rate</u> (days for each 12 months)		
	15	10	5
<u>Days Earned</u>			
1	1	0	0
2	2	1	0
3	3	2	1
4	5	3	1
5	6	4	2
6	7	5	2
7	8	5	2
8	10	6	3
9	11	7	3
10	12	8	4
11	13	9	4
12	15	10	5

(b) When an employee moves between different leave-earning rates before completion of a month of creditable service or when a change in the differential during the month results in a different leave earning rate, he shall be credited with the amount of accrual for the month at the accrual rate to which he was entitled prior to the change in his accrual rates.

Sec. 30.606. Grant of home leave. (a) Entitlement. Home leave may not be granted until the completion of 24 months of continuous creditable service abroad (hereinafter called the "basic service period"). A basic service period is terminated by (1) a break in service of one or more workdays, or (2) an assignment (other than a detail) to a position whereby the employee is no longer subject to section 203(f) of the Act.

accrued home leave.

(b) Agency authority. The grant of home leave shall be at the discretion of the agency, and may be granted for use only in the United States, the Commonwealth of Puerto Rico, or possessions of the United States. A combination of home leave and other leaves of absence may be granted in accordance with established agency policy.

(c) Limitation. Home leave may be granted to an employee (1) during a period of service abroad, or (2) within a reasonable time after his return from service abroad when it is contemplated that he will return to service abroad immediately or upon completion of an assignment in the United States. Home leave not granted at such time may not be granted until the employee has completed a further substantial period of service abroad; the further period of service abroad required by this paragraph shall be not less than the tour of duty prescribed for the employee's post of assignment, except where an agency determines that an earlier grant of such home leave is warranted in individual cases.

(d) Charging of home leave. The minimum charge for home leave shall be one day.

(e) Refund for home leave. An employee shall be indebted for the home leave used by him when he fails to return to service abroad (1) after the period of leave, or (2) after the completion of an assignment in the United States. However, a refund for such indebtedness shall not be required (1) when the employee has completed not less than six months' service in an assignment in the United States following the period of leave, or (2) when the agency determines that the employee's failure to return was due to compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health or circumstances over which the employee has no control, or (3) when the agency which granted the home leave determines that it is in the public interest not to return the employee to his overseas assignment.

Sec. 30.607. Transfer and recredit of home leave. (a) An employee's accrued home leave shall be transferred or recredited to his leave account when he moves between agencies or is reemployed in the Federal service without a break in service in excess of 90 days.

(b) Home leave shall be recredited under this section only to employees transferred or reemployed on or after the effective date of this subpart.

Sec. 30.608. Saving provisions. (a) Home leave to the credit of an employee on the day preceding the effective date of this subpart shall be credited to the employee's home leave account under these regulations and shall be available for use in accordance with the Act and this subpart.

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(b) Service which was creditable for the earning of home leave under appropriate statutory provisions in effect immediately prior to the effective date of this subpart shall be counted as creditable service under the Act and this subpart.

Sec. 30.609. Effective date. The effective date of this subpart is the first day of the first pay period following September 6, 1960.

ADMINISTRATION

PART IV - PERSONNEL

450

450 LEAVE FOR USE IN THE UNITED STATES

451 Policy

Within the limitation of available funds, the Department authorizes leave in the United States, its Territories or possessions with travel at Government expense after two years of continuous service abroad or as soon thereafter as practicable. This policy is applicable to home leave as defined in 1 FSM IV 453 and to annual leave in certain cases as prescribed in 1 FSM IV 454. As a general rule, 45 workdays of leave, exclusive of transit time, are approved, with not less than 30 workdays of leave to be taken in the continental United States, its Territories or possessions. Exceptions to the 30-day requirement may be made by the Department based on the needs of the Service.

452 Continuous Service Abroad

452.1 Definition

"Continuous service abroad," as used in these regulations, means service outside the continental United States as a Federal civilian employee with any agency of the Federal Government, or service in the Armed Forces of the United States. Continuous service abroad is broken by:

- a. An assignment in the United States;
- b. Leave in the United States, its Territories or possessions, with travel at Government expense or with transit time authorized, except that military leave in the United States will not affect home leave in any way, or
- c. A break in service of one or more workdays in the case of an employee transferred from another agency or employed following military service.